

## **AMENDMENTS TO THE CLAIMS**

The following listing of claims will replace all prior versions and listings of claims in the application.

1. (Currently Amended) A device for insertion into a first phalange and a second adjacent phalange so as to fuse the first phalange to the second phalange, comprising:

a substantially elongated member comprised of a resorbable material;

wherein the member has a first end portion interconnectable with the first phalange, a middle portion, and a second end portion interconnectable with the second phalange spaced and opposed from the first end portion;

wherein the middle portion is ~~operable to have~~ comprises a user formable curvature such that a fixed angle is formed between the first end portion and the second end portion.

2. (Currently Amended) The ~~invention~~ device according to Claim 1, wherein the first end portion is operable to be implanted into a phalange selected from a group consisting of proximal phalanges, intermediate phalanges, or distal phalanges.

3. (Currently Amended) The ~~invention~~ device according to Claim 1, wherein the second end portion is operable to be implanted into a phalange selected from a group consisting of proximal phalanges, intermediate phalanges, or distal phalanges.

4. (Currently Amended) The ~~invention~~ device according to claim 1, wherein the first end portion has a surface portion for facilitating insertion into a proximal phalange.

5. (Currently Amended) The ~~invention~~ device according to claim 4, wherein the surface portion comprises a threaded surface.

6. (Currently Amended) The ~~invention~~ device according to claim 1, wherein the first end portion has a surface portion for facilitating retention within a proximal phalange.

7. (Currently Amended) The ~~invention~~ device according to claim 6, wherein the surface portion comprises a threaded surface.

8. (Currently Amended) The ~~invention~~ device according to claim 1, wherein the second end portion has a surface portion for facilitating insertion into an intermediate phalange.

9. (Currently Amended) The ~~invention~~ device according to claim 8, wherein the surface portion comprises a structure selected from the group consisting of shoulders, ribs, helixes, and combinations thereof.

10. (Currently Amended) The ~~invention~~ device according to claim 1, wherein the second end portion has a surface portion for facilitating retention within an intermediate phalange.

11. (Currently Amended) The ~~invention~~ device according to claim 10, wherein the surface portion comprises a structure selected from the group consisting of shoulders, ribs, helixes, and combinations thereof.

12. (Currently Amended) The ~~invention~~ device according to claim 1, wherein the resorbable material is selected from the group consisting of polylactic acid, polyglycolic acid, and combinations thereof.

13. (Currently Amended) The ~~invention~~ device according to claim 1, wherein the member is substantially cylindrical.

14. (Currently Amended) The ~~invention~~ device according to claim 1, wherein the angle is substantially anatomically correct.

15. (Currently Amended) A device for insertion into a first phalange and a second adjacent phalange so as to fuse the first phalange to the second phalange, comprising:

a substantially elongated member comprised of a resorbable material;

wherein the member has a first end portion to engage the first phalange, a middle portion, and a second end portion to engage the second phalange spaced and opposed from the first end portion;

wherein the first end portion and the second end portion have a surface portion for facilitating retention within the first phalange and the second phalange;

wherein the middle portion has a curvature such that a fixed angle is formed between the first end portion and the second end portion;

wherein the angle is ~~substantially anatomically correct~~ about 172 degrees.

16. (Currently Amended) The ~~invention~~ device according to Claim 15, wherein the first end portion is operable to be implanted into a phalange selected from a group consisting of proximal phalanges, intermediate phalanges, or distal phalanges.

17. (Currently Amended) The ~~invention~~ device according to Claim 15, wherein the second end portion is operable to be implanted into a phalange selected from a group consisting of proximal phalanges, intermediate phalanges, or distal phalanges.

18. (Currently Amended) The ~~invention~~ device according to claim 15, wherein the first end portion has a surface portion for facilitating insertion into a proximal phalange.

19. (Currently Amended) The ~~invention~~ device according to claim 18, wherein the surface portion comprises a threaded surface.

20. (Currently Amended) The ~~invention~~ device according to claim 15, wherein the surface portion comprises a threaded surface.

21. (Currently Amended) The ~~invention~~ device according to claim 15, wherein the second end portion has a surface portion for facilitating insertion into an intermediate phalange.

22. (Currently Amended) The ~~invention~~ device according to claim 21, wherein the surface portion comprises a structure selected from the group consisting of shoulders, ribs, helixes, and combinations thereof.

23. (Currently Amended) The ~~invention~~ device according to claim 15, wherein the surface portion comprises a structure selected from the group consisting of shoulders, ribs, helixes, and combinations thereof.

24. (Currently Amended) The ~~invention~~ device according to claim 15, wherein the resorbable material is selected from the group consisting of polylactic acid, polyglycolic acid, and combinations thereof.

25. (Currently Amended) The ~~invention~~ device according to claim 15, wherein the member is substantially cylindrical.

26. (Currently Amended) A method for an operative procedure for fusing a first phalange to a second adjacent phalange, comprising:

providing a bore in a distal end of the first phalange;

providing a bore in a proximal end of the second phalange;

providing a device comprising a substantially elongated member comprised of a resorbable material;

wherein the member has a first end portion, a middle portion, and second end portion spaced and opposed from the first end portion;

wherein the middle portion has a curvature formed during the operative procedure by a user such that the first end portion and the second end portion have a fixed angle towards one another; and

inserting the device into the bore in the distal end of the first phalange and into the bore in the proximal end of the second phalange.

27. (Currently Amended) The ~~invention~~ method according to Claim 26, wherein providing a bore includes providing a bore in the first phalange selected from a group consisting of proximal phalanges, intermediate phalanges, or distal phalanges.

28. (Currently Amended) The ~~invention~~ method according to Claim 26, wherein providing a bore includes providing a bore in the second phalange selected from a group consisting of proximal phalanges, intermediate phalanges, or distal phalanges.

29. (Currently Amended) A device for insertion into a first phalange and a second adjacent phalange during an operative procedure so as to fuse the first phalange to the second phalange, comprising:

substantially rigid elongated member comprised of a resorbable material;

wherein the member has a first end portion for engaging the first phalange, a middle portion, and a second end portion for engaging the second phalange spaced and opposed from the first end portion;

wherein the middle portion has a fixed curvature such that a fixed angle is may be formed during the operative procedure between the first end portion and the second end portion.

30. (Currently Amended) A device for insertion into a first phalange and a second adjacent phalange so as to fuse the first phalange to the second phalange, comprising:

substantially rigid elongated member comprised of a resorbable material;

wherein the member has a first end portion, a middle portion, and second end portion spaced and opposed from the first end portion;

wherein the first end portion and the second end portion have a surface portion for facilitating retention within the first phalange and the second phalange;

wherein the middle portion is operable to have a user formed fixed curvature such that a fixed angle is formed between the first end portion and the second end portion;

wherein the fixed angle is ~~substantially anatomically correct~~ about 172 degrees.

31. (Cancelled)

32. (Currently Amended) The method of claim ~~31~~ 26, wherein forming the curvature includes:

heating the middle portion to a selected temperature;

bending the middle portion; and

cooling the middle portion.